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6 Attorneys for Defendant, GMRI, Inc.

7 GARRY M. TETALMAN, State Bar No. 204189

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8 THE LAW OFFICE OF GARRY M. TETALMAN

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12 THE LAW OFFICE OF LAUREN J. UDDEN

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Santa Barbara, California 93101

14 Telephone: (805) 879-7544

Facsimile: (805) 560-0506

15 Attorneys for Plaintiffs

16 **UNITED STATES DISTRICT COURT**

17 **CENTRAL DISTRICT OF CALIFORNIA**

18 JESUS ALBERTO CACERES, an  
individual; CYNTHIA STRAYER, an  
19 individual; MELIDA NOVOA, an  
individual; LAURIE COX, an  
20 individual; ALLISON CARROLL, an  
individual; ELIAH LEFFERTS, an  
21 individual; TONY DUNN, an  
individual; for themselves, and on behalf  
22 of all others similarly situated,

23 Plaintiffs,

24 v.

25 GMRI, INC., a Florida corporation,  
doing business in California as RED  
26 LOBSTER, and DOES 1 through 52,  
inclusive,

27 Defendants.  
28

Case No. CV08-06840 CAS (AGR<sub>x</sub>)

**STIPULATION AND [PROPOSED]  
ORDER RE: DISMISSAL OF  
ACTION**

**STIPULATION OF DISMISSAL**

Pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure, plaintiffs Jesus Alberto Caceres, Cynthia Strayer, Melida Novoa, Laurie Cox, Allison Carroll, Eliah Lefferts, and Tony Dunn (collectively "Plaintiffs"), and the defendant, GMRI, Inc., (Plaintiffs and GMRI, Inc. shall be referred to collectively herein as the "Parties") by and through their counsel, stipulate and agree that this case be dismissed in its entirety.

The Parties, by and through their counsel, further stipulate and agree that the Plaintiffs' individual claims be dismissed with prejudice.

The Parties, by and through their counsel, further stipulate and agree that the claims of the putative class be dismissed without prejudice.

The Parties, by and through their counsel, further stipulate and agree that each party shall bear costs and attorneys' fees pursuant to the written agreement of the Parties.

DATED: May 28, 2009

OGLETREE, DEAKINS, NASH, SMOAK &  
STEWART, P.C.

By: 

Jack S. Shelkoff  
Attorneys for Defendant  
GMRI, INC.

DATED: May \_\_, 2009

GMRI, INC.

By: 

Dawn Rodda

[Signatures Continue]

1 DATED: May 30, 2009

THE LAW OFFICE OF GARRY M. TETALMAN

2  
3 By: 

Garry M. Tetelman

Attorneys for Plaintiffs

4  
5  
6 DATED: May 30, 2009

THE LAW OFFICE OF LAUREN J. UDDEN

7  
8 By: 

Lauren J. Udden

Attorneys for Plaintiffs

9  
10  
11 DATED: May \_\_, 2009

JESUS ALBERTO CACERES

12  
13 By: \_\_\_\_\_

Jesus Alberto Caceres

14  
15 DATED: May \_\_, 2009

CYNTHIA STRAYER

16  
17 By: \_\_\_\_\_

Cynthia Strayer

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19 DATED: May \_\_, 2009

MELIDA NOVOA

20  
21 By: \_\_\_\_\_

Melida Novoa

22  
23 DATED: May \_\_, 2009

LAURIE COX

24  
25 By: \_\_\_\_\_

Laurie Cox

26 [Signatures Continue]

1 DATED: May \_\_, 2009

THE LAW OFFICE OF GARRY M. TETALMAN

2  
3 By: \_\_\_\_\_  
4 Garry M. Tetelman  
5 Attorneys for Plaintiffs

6 DATED: May \_\_, 2009

THE LAW OFFICE OF LAUREN J. UDDEN

7  
8 By: \_\_\_\_\_  
9 Lauren J. Udden  
10 Attorneys for Plaintiffs

11 DATED: May 26, 2009

JESUS ALBERTO CACERES

12  
13 By:  \_\_\_\_\_  
14 Jesus Alberto Caceres

15 DATED: May \_\_, 2009

CYNTHIA STRAYER

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17 By: \_\_\_\_\_  
18 Cynthia Strayer

19 DATED: May \_\_, 2009

MELIDA NOVOA

20  
21 By: \_\_\_\_\_  
22 Melida Novoa

23 DATED: May \_\_, 2009

LAURIE COX

24  
25 By: \_\_\_\_\_  
26 Laurie Cox

27 [Signatures Continue]

1 DATED: May \_\_, 2009

THE LAW OFFICE OF GARRY M. TETALMAN

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By: \_\_\_\_\_

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Garry M. Tetelman

Attorneys for Plaintiffs

5

6 DATED: May \_\_, 2009

THE LAW OFFICE OF LAUREN J. UDDEN

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By: \_\_\_\_\_

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Lauren J. Udden

Attorneys for Plaintiffs

10

11 DATED: May \_\_, 2009

JESUS ALBERTO CACERES

12

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By: \_\_\_\_\_

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Jesus Alberto Caceres

15 DATED: May 28, 2009

CYNTHIA STRAYER

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By: Cynthia Strayer

Cynthia Strayer

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19 DATED: May \_\_, 2009

MELIDA NOVOA

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By: \_\_\_\_\_

Melida Novoa

22

23 DATED: May \_\_, 2009

LAURIE COX

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By: \_\_\_\_\_

Laurie Cox

26 [Signatures Continue]

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1 DATED: May \_\_, 2009

THE LAW OFFICE OF GARRY M. TETALMAN

2  
3 By: \_\_\_\_\_  
4 Garry M. Tetelman  
5 Attorneys for Plaintiffs

6 DATED: May \_\_, 2009

THE LAW OFFICE OF LAUREN J. UDDEN

7  
8 By: \_\_\_\_\_  
9 Lauren J. Udden  
10 Attorneys for Plaintiffs

11 DATED: May \_\_, 2009

JESUS ALBERTO CACERES

12  
13 By: \_\_\_\_\_  
14 Jesus Alberto Caceres

15 DATED: May \_\_, 2009

CYNTHIA STRAYER

16  
17 By: \_\_\_\_\_  
18 Cynthia Strayer

19 DATED: May \_\_, 2009

MELIDA NOVOA

20 By: Melida Novoa  
21 Melida Novoa

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23 DATED: May \_\_, 2009

LAURIE COX

24  
25 By: \_\_\_\_\_  
26 Laurie Cox

27 [Signatures Continue]

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1 DATED: May \_\_, 2009

THE LAW OFFICE OF GARRY M. TETALMAN

2  
3 By: \_\_\_\_\_  
4 Garry M. Tetelman  
5 Attorneys for Plaintiffs

6 DATED: May \_\_, 2009

THE LAW OFFICE OF LAUREN J. UDDEN

7  
8 By: \_\_\_\_\_  
9 Lauren J. Udden  
10 Attorneys for Plaintiffs

11 DATED: May \_\_, 2009

JESUS ALBERTO CACERES

12  
13 By: \_\_\_\_\_  
14 Jesus Alberto Caceres

15 DATED: May \_\_, 2009

CYNTHIA STRAYER

16  
17 By: \_\_\_\_\_  
18 Cynthia Strayer

19 DATED: May \_\_, 2009

MELIDA NOVOA

20  
21 By: \_\_\_\_\_  
22 Melida Novoa

23 DATED: May 27 2009

LAURIE COX

24  
25 By:  \_\_\_\_\_  
26 Laurie Cox

27 [Signatures Continue]

28

1 DATED: May 27, 2009

ALLISON CARROLL

2 By: Allison Carroll  
3 Allison Carroll

4  
5 DATED: May \_\_, 2009

ELIAH LEFFERTS

6  
7 By: Eliah Lefferts

8  
9 DATED: May \_\_, 2009

TONY DUNN

10  
11 By: Tony Dunn

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1 DATED: May \_\_, 2009

ALLISON CARROLL

2 By: \_\_\_\_\_

Allison Carroll

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5 DATED: May 27, 2009

ELIAH LEFFERTS

6 By: \_\_\_\_\_

Eliah Lefferts

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8  
9 DATED: May \_\_, 2009

TONY DUNN

10 By: \_\_\_\_\_

Tony Dunn

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1 DATED: May \_\_, 2009

ALLISON CARROLL

2  
3 By: Allison Carroll

4  
5 DATED: May \_\_, 2009

ELIAH LEFFERTS

6  
7 By: Elijah Lefferts

8  
9 DATED: May 27, 2009

TONY DUNN

10 By: Tony Dunn  
11 Tony Dunn

**PROOF OF SERVICE BY UNITED STATES MAIL**

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California; I am over the age of 18 years and not a party to this action. My business address is 633 West Fifth Street, 53rd Floor, Los Angeles, California 90071.

On June 1, 2009, I served the following document(s) described as:

**STIPULATION AND [PROPOSED] ORDER RE: DISMISSAL OF ACTION**

on the persons below as follows:

Garry M. Tetelman  
THE LAW OFFICES OF GARRY M.  
TETELMAN  
15 W. Carrillo Street, Suite 218  
Santa Barbara, California 93101  
Telephone: (805) 879-7544  
Facsimile: (805) 560-0506

Lauren J. Udden  
THE LAW OFFICE OF  
LAUREN J. UDDEN  
15 W. Carrillo Street, Suite 209  
Santa Barbara, California 93101  
Telephone: (805) 879-7544  
Facsimile: (805) 560-0506

I enclosed the documents in a sealed envelope or package addressed to the persons at the addresses as indicated above and:

☐ deposited the sealed envelope or package with the United States Postal Service, with the postage fully prepaid.\*

☒ placed the envelope or package for collection and mailing, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United State Postal Service, in a sealed envelope or package with postage fully prepaid.

I am employed in the county where the mailing occurred. The envelope or package was placed in the mail at Los Angeles, California.

☐ (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

☒ (Federal) I declare that I am employed in the office of a member of the Bar of this Court at whose direction the service was made. I declare under penalty of perjury under the laws of the United States of America that the above is true and correct.

Executed on June 1, 2009, at Los Angeles, California.

Tisa Hunter  
Type Name

  
Signature

\* (SIGNATURE MUST BE OF PERSON DEPOSITING ENVELOPE IN MAIL SLOT, BOX OR BAG)